



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

CBNSF
8.7.6.2.1 V1

APR 24 1989

REPLY TO
ATTN OF:

HW-113

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Chevron USA Incorporated
CT Corporation
520 Pike Street
Seattle, WA 98101



Re: Commencement Bay Nearshore/Tideflats Superfund Site

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances at the Commencement Bay-Nearshore/Tideflats Superfund site (herein referred to as the CB/NT site). In 1983, the site was listed on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq. (herein referenced as CERCLA or Superfund).

Under CERCLA, any cost incurred by the government in responding to a release or threatened release of hazardous substances at the site, including the investigations, planning, studies, and cleanup, is the liability of the responsible parties. EPA has recently completed a preliminary search for potentially responsible parties at the CB/NT site in order to notify them of their potential liability for costs related to past and future response actions at the site.

The purpose of this general notice letter is to formally notify you that EPA has determined that Chevron USA Incorporated is a potentially responsible party at the CB/NT site. It is also intended to apprise you of the EPA's progress in addressing the contamination at the CB/NT site and to request information from you to aid in the EPA's Superfund investigations, continued response actions, and assessments of liability at the site.

A complete list of the recipients of this general notice letter is attached (Attachment 1). We have also enclosed a CB/NT general information package which has been distributed to all businesses in the Commencement Bay area. This should assist you in understanding the CB/NT site, the currently proposed cleanup plan for the site, and the Superfund process in general.

Through a cooperative agreement with EPA, the Washington Department of Ecology (Ecology) has been the lead agency for the Superfund investigations at the site to date. A fact sheet summary of Ecology's Superfund investigation and study reports, as well as the proposed cleanup plan for the CB/NT

CB/NT
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site, are available from Ecology as indicated in the enclosed information package. These fact sheets were previously mailed to most businesses and properties in the Commencement Bay area for informational purposes. Copies of all CB/NT fact sheets and reports, as well as the complete CB/NT site file documents, are available at several EPA and Ecology repositories throughout the Puget Sound area (listed in the enclosed informational package).

EPA Authority and CERCLA Liability

Section 104 of CERCLA authorizes EPA to remove or arrange for the removal of hazardous substances and to provide for remedial action related to the cleanup of those substances, whenever any hazardous substance is released or there is a substantial threat of such a release into the environment. EPA may also undertake such investigations, monitoring, surveys, testing, and other information gathering as it deems necessary to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances involved, and the extent of danger to the public health or welfare or to the environment.

EPA has expended and is currently spending public funds to perform CERCLA response and investigatory activities to mitigate and/or prevent the release or threat of release of hazardous substances at the CB/NT site. An extensive Superfund investigation and study, known as a Remedial Investigation and Feasibility Study (RI/FS), has been conducted that recommends a comprehensive cleanup program for the CB/NT site including both sediment remediation and control of sources of contamination into bay. EPA will make a final selection of remedy for the site in a Record of Decision (ROD) following a period of public comment. The public comment period for the RI/FS began on February 24, 1989, and extends to June 24, 1989.

The enclosed information package describes nine separate CB/NT problem areas. Under the currently proposed plan, EPA would begin implementing sediment remedial actions in each problem area on a phased basis, following the issuance of a ROD later this year.

As the attached list indicates, EPA has notified separate groups of potentially responsible parties for each of the nine CB/NT problem areas. As further information is developed, EPA will make a final determination, identifying responsible parties for each problem area. Negotiations with potentially responsible parties and actual implementation of the response actions for each problem area would proceed on a phased basis over a several year period. EPA may also conduct further investigations and implement any necessary Superfund response actions within the CB/NT site, unless it is determined that those actions will be promptly and properly conducted by a responsible party.

Responsible parties under CERCLA include the current and past owners and operators of the site, persons who currently lease property at the site or who have leased property at the site in the past, and persons who generated hazardous substances or who were involved in the transport, treatment, or disposal of such substances at the site. See 42 U.S.C. §

9607(a)(1)-(4). Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), responsible parties may be liable for all monies including interest thereon expended by the government to take any necessary response actions at the site including investigatory activities, planning, oversight, and cleanup of the site. Liability under Section 107 of Superfund is strict, joint, and several for all responsible parties.

Request For Information

In addition to notifying you of your potential liability relating to the CB/NT site, EPA is seeking to obtain certain information from you relevant to the treatment, disposal, or transportation for treatment or disposal of hazardous substances at the site. Under the provisions of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, as amended, EPA has the authority to require any person who has or may have information relevant to the following to furnish such information: (1) the identification, nature, and quantity of materials which have been or are generated, treated, stored or disposed of at the facility; (2) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and (3) information relating to the ability of a person to pay for or perform a cleanup.

The term "site" as used in this letter and request for information refers to the term "facility" which is broadly defined in CERCLA. A facility includes "any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located" 42 U.S.C. § 9601(9). The CB/NT site encompasses approximately 10 to 12 square miles of shallow water, shoreline, tideflats and nearby upland areas. The nearshore portion of the site extends from the head of City Waterway to Point Defiance. The tideflats area includes the industrialized waterways and properties which have been developed on the delta of the Puyallup River. In both areas, the site includes all water and bottom sediment to depths of 60 feet below the Mean Lower Low Water (MLLW) contour. It also includes upland areas which are defined by drainage-basin features rather than political boundaries, with the exception that the Puyallup River is only included from the bay upstream to the Interstate 5 highway bridge. For purposes of this notice letter and request for information, it is important not to confuse the terms "facility" and "site" (which encompass the entire CB/NT Superfund project area) with your specific property, operation, or business.

The terms "hazardous substances" as defined under Section 101(14) of CERCLA, as amended, and "pollutants and contaminants" as defined under Section 101(33) of CERCLA, as amended, are used in this letter and request for information to describe any of a wide range of chemical compounds found in raw materials, additives, intermediate products, byproducts, waste streams and final products. Materials of concern could be associated with commercial activities such as painting, cleaning, degreasing, repairing, manufacturing, storage, and numerous other activities. They could also be found in more generalized urban runoff from roadways and storm sewers.

Pursuant to the EPA's statutory authority contained in Section 104(e) of CERCLA, as amended, you are hereby requested to submit information in response to the questions listed below. When responding to these questions, please include all available information of past practices and procedures as well as those currently in use:

1. List your current business or mailing address for any property you have owned, leased or occupied in the CB/NT site and describe its approximate size and boundaries. Describe how long your company has been in operation at its current location, and at any previous locations in the CB/NT site. Please list all prior owners, lessors, and occupants at such currently or previously owned or occupied property.
2. Describe the ownership of your company or business, including whether it is a sole proprietorship, limited partnership, corporation or other form of legal organization or entity. Provide the date when you began operating your business including the dates of any organizational changes such as incorporation. Provide the names and addresses of any subsidiaries or companies in which your business has an interest, and briefly describe the activities in which they do business. List the owners, directors, and officers of your company or corporation and describe any changes in organization or ownership since you started operating your business in the CB/NT site.
3. Please review the attached property list containing a description of properties in the CB/NT site for which EPA believes you or your company has an ownership interest (Attachment 2). Indicate whether this list is correct and make any corrections or additions if appropriate. Please include an explanation for any changes to this list.
4. Describe and list any leases or sub-leases which you or your company have entered into (as either lessor or lessee) at any time pertaining to property or businesses associated with operations in the CB/NT site.
5. Provide a general description of all processes, activities, and operations carried out by you or your company at any time on property in the CB/NT site. Specify the time periods and locations of all processes and activities.
6. List the generic names and chemical character of any "hazardous substances" and any "pollutants or contaminants" as defined on page 4 of this letter, that you or your company have generated, stored, treated, transported, disposed or otherwise handled or used in any processes, activities, and operations of you or your company at the site. Briefly describe the processes, activities, and operations carried out by you or your company involving such hazardous substances, pollutants, or contaminants. Your description should include, but not be limited to, the following:

- a general description of materials used in production, maintenance or cleaning operations at each location
 - a general description of waste streams and waste materials resulting from these processes
 - analytical data describing these materials, or material safety data sheets (MSDS), if available
 - the location and system for delivery, unloading, and storage of each substance to the facility
 - monitoring systems used for chemical inventory in storage facilities
 - procedures for cleaning storage tanks, equipment, and structures where such hazardous substances, pollutants or contaminants were used or otherwise handled
7. For each hazardous substance identified above, please describe how the substance is or was handled, the dates or approximate time it was handled, and the total quantity in weight or volume (estimate if quantity not available) of such hazardous substances, pollutants, or contaminants.
8. Describe where and for how long any such hazardous substances, pollutants or contaminants described above were stored, and where and when the material was disposed of. Include on-property and off-property, informal and formal storage and disposal.
9. What arrangements (if any) were made to transport the hazardous substances, pollutants, or contaminants away from your property or operation? Who was the transporter of the hazardous substances, and what is the transporter's current/previous address?
10. If any of the hazardous substances identified in response to questions 6-9 above were contained in oil or petroleum products, indicate the source of such hazardous substances, the amount and concentration mixed or contained in the oil, the date(s) such mixing occurred, the process or method of introduction of hazardous substances into the oil, and any other information in your possession regarding the presence of hazardous substances in oil or petroleum products which you generated, stored, transported, or disposed.
11. Provide all information you have regarding spills, leaks, and pipeline breaks of hazardous substances, pollutants, or contaminants on or around your property. This should include the generic name and chemical constituents of the materials(s) spilled, the quantity of material spilled, cleanup measures taken, the cause of the spill and any other related information.

12. Describe and provide the results of all environmental investigations that have taken place on or around your property. This includes investigations of the physical and chemical characteristics of the soil, surface water, sediments, air and groundwater. This also includes historical evaluations of potential/known contamination. Provide a list of all investigations planned or completed (include the purpose, dates, and relevant documents).
13. Provide all existing maps, diagrams, and photos of your property and of facility operations. If appropriate, include information that indicates original shoreline boundaries, and any changes to the shoreline that may have occurred. Also indicate whether any portion of your property includes intertidal or submerged portions of the adjacent marine waterways or nearshore areas to a depth of sixty (60) feet below the Mean Lower Low Water (MLLW) contour.
14. Provide records and maps of locations of all underground structures at your property, including underground pipelines, bulkheads, storage facilities or other underground structures.
15. Describe the surface water drainage from your property, including but not limited to, whether precipitation collects in storm drains, ditches, or discharge to a local waterway.
16. Provide the name of all of your liability insurance carriers and copies of any liability insurance policies maintained by you as well as your subsidiaries that may provide liability coverage for damages resulting from releases of hazardous substances and/or wastes, pollutants, or contaminants. If your insurance policies are voluminous, or if you prefer not to submit them at this time but agree to submit the policies or make them available to EPA at a later date, you may provide EPA with a list of such insurance policies along with the name of the insurer, and the dates, extent, and amounts of such coverage.
17. Please provide any other information, correspondence, or records in the possession or control of Chevron USA Incorporated regarding the use, treatment, storage, or disposal, or the transportation for use treatment, storage or disposal of hazardous substances or pollutants or contaminants at its property described in response to Question Number One above.
18. Provide a description of the types of records maintained by or otherwise available from your company which are related to the subjects discussed in the above questions.
19. Provide a list and the current or last known address and telephone numbers of all persons or companies which may have knowledge relating to any of the above questions.

Your written answers to these questions must be sent to EPA within thirty (30) calendar days of your receipt of this letter. Your response

should include all information and records you have related the above questions. If any records maintained with respect to the above questions are not in your possession, provide the current location and custodian of such records. Please answer all questions to the best of your knowledge.

Under Section 3008 of RCRA, 43 U.S.C. § 6928, failure to comply with this request may result in EPA's issuance of an order requiring compliance or the initiation of a civil action for appropriate relief. Section 3008 of RCRA and Section 104 of CERCLA also provide for civil penalties. Pursuant to Section 103 of CERCLA, it is unlawful for any person knowingly to destroy, mutilate, erase, dispose of, conceal, or otherwise render unavailable or unreadable, or falsify any of the above records.

EPA recognizes that this information request is broad in scope. If the information you possess is voluminous, you may respond within the thirty day period as to the availability of all related records, and provide a written description of the type of information available. Specifically, describe the types of records maintained with regard to the above requests for information including the date of the records, the author of the records, the current location of the records, and their current custodian. EPA also requests that arrangements be made to allow designated EPA employees, EPA authorized representatives including state employees, and their contractors to review all such documents.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. See 41 Fed. Reg. 36902-36924 (September 1, 1976), as amended by 43 Fed. Reg. 40000 (September 8, 1978), 44 Fed. Reg. 17673 (March 23, 1979), and 48 Fed. Reg. 11270 (March 17, 1983), and 50 Fed. Reg. 61661 (December 18, 1985). For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with Section 104(e)(7) of CERCLA, 42 U.S.C. § 9607(e)(7), as amended, and 40 C.F.R. Section 2.201. If EPA determines that the information so designated meets the criteria set forth in Section 104(e)(7) of CERCLA and 40 C.F.R. Section 2.200, the information will be disclosed only to the extent, and by means of, the procedures specified in 40 C.F.R. Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice to you.

Please respond to EPA within the time frame indicated above. Your written response should be sent to Michael Stoner, Environmental Protection Agency, Region 10, Superfund Branch, 1200 Sixth Avenue, HW-113, Seattle, Washington 98101. Please direct any technical questions to Michael Stoner or Lynne Kershner at (206) 442-2141. If you have any legal questions, you may contact Allan B. Bakalian, Assistant Regional Counsel, at (206) 442-1789.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not

intended to be and cannot be relied upon as a final Agency position on any matter set forth herein.

In conclusion, EPA will be evaluating the responses which the agency receives from the recipients of this letter listed in Attachment 1. EPA will also be notifying all recipients of this general notice letter of an informational meeting to be held in early May to answer questions regarding this notice and request for information. Finally, if you wish to comment on the Commencement Bay-Nearshore/Tideflats Feasibility Study, the comment period closes on June 24, 1989.

Thank you for your prompt attention to this matter. Please do not hesitate to contact EPA should you have any questions regarding this general notice or request for information.

Sincerely,


Charles E. Findley, Director
Hazardous Waste Division

Attachments (2) and Enclosure

cc: Richard Hibbard, Ecology

PRP NAME	PRP ADDRESS	Property of Concern (Current Operator)
HYLEBOS WATERWAY		
AK-WA Shipbuilding	401 Alexander, Tacoma, WA 98421	AK-WA Shipbuilding
Airo Services Inc.	4110 East 11th, Tacoma, WA 98422	Airo Services, Inc.
Anderson, Stephen	3140 East 11th Street, Tacoma, WA 98422	Shell Oil Co.
B & L Trucking & Construction Co.	1621 Marine View Drive, Tacoma, WA 98422	B & L Construction & Trucking Co., Inc.
Babet Financial Company, Inc.	234 N Santa Cruz Ave., Los Gatos, CA 95030	Modutech Marine
Bonneville Power Administration	P.O. Box 3621, Portland, OR 97208	Bonneville Power Administration
Brazier Forest Products	P.O. Box 1157, Tacoma WA 98401	Brazier Forest Products
Bronaer, Ken	4742 Hvada Blvd., Tacoma, WA 98422	The Dent Doctor
Buffelen Woodworking Co.	1901 Taylor Way, Tacoma, WA 98421	Buffelen Woodworking Co.
Cenex Agriculture Inc.	CT Corp., 520 Pike Street, Seattle, WA 98101	Cenex Agriculture Inc.
Chemical Processors Inc.	2203 Airport Way S., Suite 400, Seattle, WA 98134	Chemical Processors Inc.
City of Tacoma	747 Market Street, Tacoma, WA 98421	City of Tacoma
Coski, Bernard	5403 Pendle Lange Rd NE, Tacoma, WA 98422	Coski Landfill
Dunlap Towing	P.O. Box 593, La Conner, WA 98257	Dunlap Towing
Fletcher Oil Company	733 Bishop Street, Honolulu, HI 96813	PRI
Gateway Consolidators Inc.	CT Corp, 520 Pike Street, Seattle, WA 98101	Buffelen Woodworking Co.
General Metals of Tacoma, Inc.	1902 Marine View Drive, Tacoma, WA 98422	General Metals of Tacoma, Inc.
Howard, Donna L.	6713 Pacific Hwy East, Tacoma, WA 98424	Western Engineering
Huce, Robert C. & Janet L.	3502 Greenwood Ave., Tacoma, WA 98466	Stracke
J. G. Investments, Inc.	5400 Meeker Drive, #21, Kalama, WA 98625	Jones-Goodell Corporation
Jones Chemicals Inc.	1919 Marine View Drive, Tacoma, WA 98422	Jones Chemicals Inc.
Jones-Goodell Corporation	1690 Marine View Drive, Tacoma, WA 98422	Jones-Goodell Corporation
Joseph Simon & Sons Inc.	2200 East River Street, Tacoma, WA 98421	Rail & Locomotive Equipment Company
Kaiser Aluminum & Chemical Corp.	3400 Taylor Way, Tacoma, WA 98421	Kaiser Aluminum & Chemical Corp.
Lone Star Industries	3601 Taylor Way, Tacoma, WA 98421	Lonestar Industries
Louisiana Pacific Corporation	3825 Taylor Way, Tacoma, WA 98421	Louisiana Pacific Corporation

PRP NAME	PRP ADDRESS	Property of Concern (Current Operator)
Manke Lumber Company Inc.	1717 Marine View Drive, Tacoma, WA 98422	Manke Lumber Company Inc.
Mav, Annon W. et al.	3003 Taylor Way, Tacoma, WA 98421	Petroleum Reclaiming Services
McFarland-Cascade	1640 E Marc, Tacoma, WA 98421	Cascade Pole
Milgard Manufacturing Inc.	P.O. Box 11368, Tacoma, WA 98401	Milgard Manufacturing Inc.
Mintercreek Development	4224 Waller Road East, Tacoma, WA 98404	Samson Marine
Modutech Marine	2218 Marine View Drive, Tacoma, WA 98422	Modutech Marine
Murray Pacific Corporation	3502 Lincoln Ave. E., Tacoma, Wa 98421	Murray Pacific Corporation
Nordlund Boat Company, Inc.	1621 Taylor Way, Tacoma, WA 98421	Nordlund Boat Company, Inc.
Nordlund Properties Inc.	1530 Ventura Drive, Tacoma, WA 98465	Vance Lift Truck
Nordlund Properties Inc.	1621 Taylor Way, Tacoma, WA 98421	Pederson Oil
Nordlund Properties Inc.	1608 S. Winnifred, Tacoma, WA 98406	Nordlund Boat Company, Inc.
Nordlund Properties Inc.	1530 Ventura Drive, Tacoma, WA 98465	Manke Lumber Company Inc.
Northwest Processing, Inc.	P.O. Box 940, Tacoma, WA 98401	Northwest Processing, Inc.
Occidental Chemical & Plastic Corp.	605 Alexander Ave., Tacoma, WA 98401	Occidental Chemical & Plastic Corp.
Oline, Don	P.O. Box 428, Montesano, WA 98563	Oline, Don
Oline, Ron & Brad et al.	1940 Marine View Drive, Tacoma, WA 98422	Oline, Don
Pan Pacific Trading Company	2208 NW Market, Seattle, WA 98107	Murray Pacific Corporation
Pederson Oil	1622 Marine View Drive, Tacoma, WA 98422	Pederson Oil
Pennwalt Corporation	2901 Taylor Way, Tacoma, WA 98421	Pennwalt Corporation
Petroleum Reclaiming Services	3003 Taylor Way, Tacoma, WA 98421	Petroleum Reclaiming Services
Poligen Corporation	1801 Alexander, Tacoma, WA 98421	Poligen Corporation
Port of Tacoma	P.O. Box 1837, Tacoma, WA 98401	Port of Tacoma
PRI	709 Alexander, Tacoma, WA 98421	PRI
Ragnar, Nars	2116 Taylor Way E., Tacoma, WA 98421	Superlon Plastics
Rail & Locomotive Equipment Company	1515 Taylor Way, Tacoma, WA 98421	Rail & Locomotive Equipment Company
Samson Marine	4106 East 11, Tacoma, WA 98421	Samson Marine